

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JORGE ALBERTO SAINZ NAVARRETE,

Defendant.

8:16CR248

ORDER

This matter comes before the Court on Defendant's Motion to Extend, interpreted as a request for additional time to file a motion under [28 U.S.C. § 2255](#). [Filing 475](#). Defendant's request for an extension of time will be denied because this Court does not have jurisdiction until a motion under § 2255 has actually been filed. See *Green v. United States*, 260 F.3d 78, 82 (2d Cir. 2001). Defendant's motion for extension of time contains no factual allegations and cannot be liberally construed as a motion under § 2255. Only after Defendant files a motion under § 2255 may the Court consider a motion for extension of time or consider the question of whether circumstances warrant equitably tolling his filing deadline. *United States v. Martin*, 408 F.3d 1089, 1092 (8th Cir. 2005). Accordingly,

IT IS ORDERED:

1. Defendant's Motion to Extend ([Filing 475](#)) is denied; and
2. The Clerk of Court shall mail a copy of this Memorandum and Order to Defendant at his last known address.

Dated this 19th day of May, 2021.

BY THE COURT:



Brian C. Buescher
United States District Judge